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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,667	12/26/2001	Michael R. Frey	71-780-1	6539

7590 07/08/2003

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EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 07/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	10/025,667	FREY, MICHAEL R.	
	Examiner	Art Unit	
	John R. Paradiso	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is substantially in claim form.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over LANCASTER, III ET AL (US 6293074) in view of MACKIE (US 6185914) and EGLINTON ET AL (US 4173108).

LANCASTER, III ET AL discloses a wrapping machine in which a stretch head (102) is mounted on a carriage that moves up and down on an upright (104) which is itself mounted to a horizontal frame (134). A supply roll (108) of web material is mounted vertically, dispensing web material to tension rollers and idler rollers (110) which are also mounted vertically, the web material being threaded between the rollers and their mountings.

LANCASTER, III ET AL does not disclose the horizontal frame being inclined, or a strain sensor.

MACKIE discloses a wrapping machine in which a sensor detects strain on the material and stops the motor when a certain limit is passed. (See MACKIE column 2 lines 10-27 and Figure 1.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a sensor to detect strain on the material and stops the motor when a certain limit is passed, as taught by MACKIE, in the invention of LANCASTER, III ET AL, in order to reduce failures requiring operator attention.

EGLINTON ET AL discloses a wrapping machine in which a stretch head (18) is reciprocally moved relative to an object to be wrapped. The stretch head is inclined with respect to the package in order to enable wrapping all the way to the edges. (See EGLINTON ET AL Figure 1.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incline the frame of the combination of LANCASTER, III ET AL and MACKIE, with respect to the package, as taught by EGLINTON ET AL, in order to enable wrapping all the way to the edges

Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the angle a 90 degree angle in order to provide the most innate strain in the web and thus get the best reading from the sensor or in fact, any angle that provided the best reading for the sensor, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

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Note that with respect to claim 1 line 24, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform.. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 63 USPQ 138.

4. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over LANCASTER, III ET AL (US 6293074) in view of MACKIE (US 6185914) and EGLINTON ET AL (US 4173108), as applied to claims 1-4 above, and further in view of RIMONDI ET AL (US 5603198).

The combination of LANCASTER, III ET AL, MACKIE, and EGLINTON ET AL, as described above, does not disclose any of the rollers having a rubber sleeve.

RIMONDI ET AL discloses a wrapping machine in which a web of material is passed around and gripped by rollers (12, 13) which are covered in sleeves of rubber, providing a high-enough coefficient of friction that they maintain a good grip on the film at all times.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the rubber-sleeved rollers of RIMONDI ET AL for the final idler roller in the combination of LANCASTER, III ET AL, MACKIE, and EGLINTON ET AL in order to provide a more secure grip on the web as the stretch head moves relative to the package.

Regarding claim 7, it is inherent in any sleeve that it be made as one of the claimed options: a one-piece tube, a flat sheet formed into a tube, or a strip formed into a tube.

Regarding claim 8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the angle a 90 degree angle in order to provide the most innate strain in the web and thus get the best reading from the sensor or in fact, any angle that provided the best reading for the sensor, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Reference Citations

5. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- MARTIN-COCHER ET AL discloses a wrapping machine using rubber-sleeved rollers.
- MANDEVILLE ET AL discloses a wrapping machine with a stretch head that vertically reciprocates on a vertical upright.
- HUSON ET AL discloses a wrapping machine with a supply roll that vertically reciprocates on a vertical upright.
- TAKATANI discloses a wrapping machine in which a web is passed between upright rollers and their holders.
- MAURO discloses a wrapping machine in which a web is passed between upright rollers and their holders.
- HEISER discloses a wrapping machine with inclined frame members.
- REEVES discloses a wrapping machine with inclined frame members.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center receptionist.



Examiner John Paradiso: (703) 308-2825

June 29, 2003

Additional Phone Numbers:

Supervisor Rinaldi Rada: (703) 308-2187
Receptionist: (703) 308-1148
Customer Service: (703) 306-5648

Fax (Direct to Examiner): (703) 746-3253
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